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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,830	08/12/2002	James C Sturm	7616/42/5	5608
7590	02/09/2005		EXAMINER SANTIAGO, MARICELI	
Michael R Friscia Wolff & Samson 5 Becker Farm Road Roseland, NJ 07068-1776			ART UNIT 2879	PAPER NUMBER

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/089,830	Applicant(s) STURM ET AL.	
	Examiner Mariceli Santiago	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 21-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 4, 2005 has been entered.

Response to Amendment

The Amendment, filed on January 4, 2005, has been entered and acknowledged by the Examiner.

Cancellation of claims 4-20 has been entered.

Claims 1-3 and 21-29 are pending in the instant application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 23-25, 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Karasawa et al. (JP 10-223367).

Regarding claim 1, Karasawa discloses a device, comprising a first transparent substrate (1B) having a first surface and a second surface, at least one OLED (2) disposed on the first surface of the first transparent substrate (1B), a second transparent substrate (1A)

having a first surface and a second surface, wherein the first surface of the second transparent substrate is attached to the second surface of the first transparent substrate (1B), wherein the second surface of the second transparent substrate has a non-planar form because it includes a plurality of non-planar elements (1a).

Regarding claim 2, Karasawa discloses a device wherein the at least one non-planar element is spherical (Paragraph [0068]).

Regarding claim 3, Karasawa discloses a device wherein the second surface of the second transparent substrate is molded (Paragraph [0026]).

Regarding claim 23, Karasawa discloses method of fabricating a device, comprising providing a first transparent substrate (1B) having a first surface and a second surface, and having an at least one OLED (2) disposed on the first surface of the first transparent substrate (1B), providing a second transparent substrate (1A) having a first surface and a second surface, wherein the second surface of the second transparent substrate has a non-planar form because it includes a plurality of non-planar elements (1a), attaching the second surface of the first transparent substrate to the first surface of the second transparent substrate.

Regarding claim 24, Karasawa discloses a method wherein the at least one non-planar element is spherical (Paragraph [0068]).

Regarding claim 25, Karasawa discloses a method wherein the second surface of the second transparent substrate is molded (Paragraph [0026]).

Regarding claims 28 and 29, Karasawa discloses a device and method thereof wherein at least one OLED is positioned at the approximate center of curvature of at least one spherical non-planar element (Fig. 1c).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karasawa et al. (JP 10-223367) in view of Lebby et al. (EP 0 777 276 A2).

Regarding claims 21 and 26, while Karasawa teaches the limitation of the first surface of the second transparent substrate being attached to the second surface of the first transparent substrate, Karasawa is silent in regards to the use of an index matching gel to attach both substrates. However, in the same field of endeavor, Lebby discloses an OLED device and method thereof wherein the bonding of a lens element and a transparent substrate is made by use of an optically transparent epoxy adhesive (i.e., index matching gel), it can be easily contemplated that the use of the optical transparent epoxy would prevent any possible unwanted interference in the transmission of the emitted light through the adhesive agent towards the lens substrate. Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate the optically transparent adhesive material disclosed by Lebby in the device and method thereof of Karasawa in order to attach the first and second substrates without unwanted hindrance in the transmission of the emitted light through the adhesive agent towards the lens substrate.

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Claims 22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karasawa et al. (JP 10-223367).

Regarding claims 22 and 27, Karasawa discloses the second surface of the transparent substrate having a non-planar form by integrally molding lenses on the second surface of the second transparent substrate, instead of attaching individual lenses to the surface. It is noted that the use of separate elements for the substrate construction instead of the integral structure disclosed by Karasawa would merely be an obvious matter of design engineering, furthermore, the particular claimed construction does not solve any of the stated problems or yield any unexpected results that are not within the scope of the teaching applied. Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to provide the lenses elements by attaching them to the surface of the second substrate, since the use of separate elements in the construction of the second substrate surface instead of the integrally molded structure disclosed by Karasawa would be an obvious matter of design engineering.

Response to Arguments

Applicant's arguments with respect to claims 1-3 and 21-29 have been considered but are moot in view of the new ground(s) of rejection.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariceli Santiago whose telephone number is (571) 272-2464. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Mariceli Santiago
Patent Examiner
Art Unit 2879